DELIVERED BY

WILLIAM LAURENCE BR[illegible]D,

PRINCIPAL OF MARISCHALL COLLEGE,

IN THE

General Assembly of the Church of Scotland,

On Wednesday, the 28th of May 1800,

ON THE QUESTION

RESPECTING THE

SETTLEMENT, AT KINGSBARNS,

OF THE REV. DR ROBERT [illegible]T,

PROFESSOR OF DIVINITY IN ST MARY'S COLLEGE,

ST ANDREW'S.

Having ministry, let us wait on our ministering; or he that teacheth, on teaching. Rom. xii. 7.

EDINBURGH:

PRINTED BY A. MEILL & CO.

FOR BELL & BRADFUTE;

AND SOLD BY

A. BROWN, ABERDEEN; P. BOWER, ST ANDREW'S;

G. MILLAR, DUNDEE; J. & A. DUNCAN, AND

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THE Cauſe, on which the following Speech was delivered, being of very great importance, and many miſconceptions, and not a few miſrepreſentations, of the contents of the Speech having gone abroad, the Speaker found himſelf called upon by his duty, both to the Public and to himſelf, to publiſh the ſubſtance and leading points of his argument. He has endeavoured carefully to recollect, what he threw out without any *preparation*; and what had before been the ſubject of his thoughts, is exhibited with as little alteration as the correctneſs of publication would permit. The public will judge both of the ſtrength of the argument, and of the principles which dictated the Speech.

SUBSTANCE

OF A

SPEECH, &c.

IT is with the utmoſt diffidence that I riſe to ſpeak, on ſo important a queſtion, in this Houſe, the firſt time I have had the honour of appearing in it as a member. Indeed, nothing could have induced me to deliver my ſentiments, in ſuch circumſtances, but the moſt confirmed ſenſe, and the predominant impulſe, of duty. Nothing ſhort of this, nothing but that conviction of obligation which ought to be paramount to every other motive, with every honeſt man who views himſelf as bound to contribute his endeavours, however feeble or circumſcribed, to the public good; nothing but that imperious

imperious call of allegiance to that Eccleſiaſtical Eſtabliſhment which I became pledged, by my ordination, to maintain, and the office which I occupy in it ſtill more ſtrongly inculcates; nothing ſhort of all this, Sir, could have induced me to reſiſt that natural timidity of which I am conſcious, and which has, on many occaſions, clogged my feeble powers and impeded their exertions. Theſe reflections, it is neceſſary, Sir, for me to premiſe, both in order to remove any ſuſpicion of preſumption on my part, and to ſecure your indulgence, and that of the whole Houſe, if the obſervations, which I am to offer, ſhould fall ſhort of the important queſtion now before us, and tend rather to evince the inability of the ſpeaker, than to place the ſubject in that clear and impreſſive point of view, in which its connection with the intereſts of this Church ſo ſtrongly demands that it ſhould be ſeen: For, from every light in which I have been able to conſider this cauſe, and from the moſt attentive hearing of parties at the bar, it is more and more impreſſed upon my mind, that, on the deciſion of this Houſe with regard to it, depend

the

the preſervation of our Eccleſiaſtical Eſtabliſhment in its original purity, and ſome of the moſt eſſential objects to which it is directed. The caſe before us is new in one ſenſe at leaſt,—that, namely, which implies an alteration of ſyſtem which has uniformly been proceeded upon, till the appearance of Dr Arnot's cauſe. There is not another inſtance, in the hiſtory of this Church, of a Profeſſor of Divinity holding his chair in an Univerſity, and removing to a country reſidence, as paſtor of the pariſh, where he muſt reſide.—There is not another inſtance of one holding an office in the Church, which requires active and conſtant attendance for a conſiderable part of the year, engaging in the duties of another office which binds him to reſidence, and diſqualifies him, of conſequence, for diſcharging one principal part of the functions attached to the former.

We have been told, Sir, at the bar, that there has been an inſtance of a Profeſſor of Divinity being a Layman, and that ſuch offices are not, of conſequence, Eccleſiaſtical. But, if the caſe alluded to be the ſame which I have in my mind,

mind, it ought to have been added, that this Layman was, on that very account, ſuſpended from his office by the Eccleſiaſtical Judicatory, and lay under that ſentence many years. This is an example of the figure called *Silence*, or the concealment of what it is not fit the audience ſhould know, and is very properly expreſſed by the French word *Réticence*. I call a Profeſſorſhip of Divinity an office in the Church, becauſe, ever ſince Univerſities were eſtabliſhed in Europe, ſuch Profeſſorſhips have always been held by Eccleſiaſtics, becauſe they are neceſſary appendages of the Church, which, without them, would be deprived of its ſeminaries, and becauſe, as I ſhall ſoon ſhew, they have always been viewed in this light by the laws and conſtitution of the Church of Scotland. On this principle, Profeſſors of Divinity have ſeats in this Houſe, and in the other Judicatories of the Church, not as Elders, not as parochial Miniſters, but as holding offices which belong to Clergymen, as engaged in educating young men for the miniſtry, as inveſted with the office of Doctors or Teachers, which our ſtandards recogniſe,

cogniſe, and as devoted to duties moſt eſſential to the Eccleſiaſtical Eſtabliſhment. How important and neceſſary this office has always been held by this Supreme Eccleſiaſtical Court, is evident from a variety of acts, and particularly from its recommendation to the Parliament, bearing date Auguſt 3. 1641, in the following terms: "Item, *We recommend that ſpecial care* "*be had that the places of the Profeſſors, eſpe-* "*cially of Profeſſors of Divinity, in every Uni-* "*verſity and College, be filled with the ableſt* "*men, and beſt affected to the reformation and* "*order of this Church.*"

We find the General Aſſembly, in 1642, ſeſſion 11. Auguſt 3. enacting: "*In the next room,* "*we find, that it is a tranſporting of Miniſters for* "*public good, that Colleges, having the profeſſion of* "*Divinity, be well provided of Profeſſors, wherein* "*the College of Divinity of St Andrew's is firſt to* "*be ſerved, without taking any Profeſſors or Mi-* "*niſters from Edinburgh, Glaſgow, or Aberdeen;* "*and that the reſt of the Colleges would be provi-* "*ded for, as their neceſſities ſhall require: yet, in* "*reſpect of the preſent ſcarcity, it were good for the*

"*Univerſities to ſend abroad for able and approved*
"*men, to be Profeſſors of Divinity, that our Mini-*
"*ſters may be kept in their paſtoral charge as much*
"*as may be.*"

Obſerve now, Sir, the ſpirit and meaning of this recommendation and act. The *firſt* expreſſes the Aſſembly's ardent deſire, that able Profeſſors, eſpecially Profeſſors of Divinity, be placed in the Univerſities of this Kingdom, and evinces that it regarded theſe ſeminaries as particular objects of its care and attention. The *ſecond* declares it to be a *tranſportation of Miniſters for the public good*, that ſuch ſhould be placed in theological chairs. It implies, as clearly and diſtinctly as words can ſignify, that a theological chair cannot be held in conjunction with a country living, becauſe it poſitively calls the appointment to ſuch a Profeſſorſhip, *a tranſportation* or removing a Clergyman from the pariſh and living in which he was placed at the time of this appointment. It ſo fully implies this incompatibility, that, on account of the ſcarcity of Miniſters, it recommends that the Univerſities ſhould endeavour to procure Pro-

feſſors of Divinity from abroad, rather than take the Scots Clergy from their paſtoral charges. Now, Sir, if ever there was a time when a Profeſſor of Divinity could have been permitted to hold a paſtoral charge at a diſtance, together with his Profeſſorſhip, it certainly was when there was ſuch a ſcarcity of Clergymen. Then, it might have appeared expedient to combine theſe offices, ſo that if the duties of each could not be diſcharged with full effect, it might be done at leaſt as tolerably as circumſtances would permit: But, inſtead of this, we find the General Aſſembly rather preferring that Profeſſors ſhould be brought from abroad, than to adopt a plan which fruſtrated the ends of both offices. We may then judge what would have been the opinion of the Aſſembly 1642, with regard to the union of a country charge and a Profeſſorſhip of Divinity. Such an idea never entered into their minds. Neither they, nor any Aſſembly that has ſucceeded them, till very lately, ever ſuppoſed that ſuch a ſcheme would be projected. It was ſuch an anomalous appearance, ſuch an excentricity from the ſyſtem of our

Church,

Church, that no expreſs proviſion againſt it was ever deemed neceſſary. This circumſtance, however, is a ſtronger indication of the ſentiments entertained by our anceſtors, and of all our Eccleſiaſtical Judicatories, down to the preſent day, than any expreſs prohibitory law. This laſt would imply, that mens' ſentiments had altered on this point, and that this alteration to the worſe required a legiſlative remedy. The former proves, that the caſe was ſo repugnant to our conſtitution and practice, that no member of our Eſtabliſhment would admit the moſt diſtant idea of violating them in this point, and that no law could be required, where even the poſſibility of offence could not exiſt.

But, it has been aſſerted, both at the bar, and by thoſe who ſpoke on the other ſide of the queſtion, that, where no poſitive law prohibits a projected plan, it may be admitted, and, if it be found prejudicial, a law may be enacted to prevent ſimilar abuſes in future. Now, I maintain, that a poſitive law does exiſt, and that law is the foundation of St Mary's College, St Andrew's. By this all the Profeſſors are bound to

conſtant

conſtant reſidence, at leaſt during the time of ſeſſion. The words you ſhall hear; but before I recite the words of the foundation, it will be proper to premiſe, that when Archbiſhop Hamilton founded St Mary's College, St Andrew's, otherwiſe called the New College, in the year 1553, the number of perſons on the foundation, or, as they are called in the charter, *fundatæ perſonæ*, is, including Profeſſors and Students of Divinity and Philoſophy, and College ſervants, limited to thirty-ſix. After mentioning theſe, and detailing the offices and duties ſeverally incumbent upon them, we have the following expreſs clauſe: "*Volumus omnes fundatas perſonas noſtri* "*Collegii continuè in eodem reſidere; adeò ut ſi per* "*menſem ſimul in anno, aut per vices ſucceſſivè, ali-* "*quem eorum a Collegio abeſſe contigerit, ipſo facto* "*illius locus ſive burſa vacabit; ipſeque ſic abſens* "*privari poterit, niſi legitima de cauſa, à Præfecto* "*licentiam impetraverit, qui tamen non, niſi urgenti* "*neceſſitate, ulli copiam concedet.*" It is obſervable, that this ſtrict and conſtant reſidence is extended to all the *fundatæ perſonæ*, without limitation or exemption whatever, and that, in the enumeration

meration of them, the maſters are firſt named. No good reaſon can be aſſigned for impoſing this continual reſidence on the Students, but that, by living in the ſame College with their Maſters, they would have better opportunity of improving in knowledge, and in purity of morals. When this is conſidered, no doubt can be entertained but that the obligation of reſidence was, by this foundation, impoſed on the Profeſſors as much as on the Students. But, in full confirmation of this, there is ſtill extant a deed under the hand and ſeal of the founder. This deed is dated at Hamilton, 14th March 1566, that is, thirteen years after the foundation of the College. It is a licence granted by Archbiſhop John Hamilton to Mr Archibald Hamilton, then Orator, *i. e.* Profeſſor of Rhetoric, in the New College, to go "into France, at the deſire of the Duke of "Chatelherault, during the ſpace of nine "months, and to enjoy the yearly emoluments, "duties, rooms, and chambers, and whatever "privileges he had before this licence; and "that he be hurt no manner of way, but that "he may up take the ſamen after his own will

"and

" and pleaſure during this licence." Thus, nothing but a formal licence of the Founder himſelf could exempt this Profeſſor from the ſtrict obligation of reſidence impoſed by the foundation.

On the plan of this foundation, the affairs of this College were conducted till the year 1579, when King James the Sixth appointed Commiſſioners, and among theſe the celebrated George Buchanan, to viſit and reform the ſeveral Colleges in the Univerſity of St Andrew's. By the ſtatutes of this viſitation, the New College was ordained *to be for the ſtudy of Divinity allenarly*, and the plan of ſtudy was preſcribed. After this, frequent viſitations of the Univerſity of St Andrew's took place; and during King James's reſidence in Scotland, every two or three years, in ſome of which his Majeſty was perſonally preſent.

In 1621, we find an act of Parliament, dated Auguſt 4. abrogating Buchanan's reformation, excepting only that part which reſtricts the New College to the ſtudy of Divinity, and reſtoring the old foundation as far as it conſiſted with the Proteſtant

Proteſtant Religion. The words are: "*H*
"*Majeſty, with conſent of the Eſtates of Parli*
"*ment, orders that the Maſters of the New Co*
"*lege keep ſtill the profeſſion of Divinity withi*
"*their ſchools, as preſently is, and has been uſe*
"*and exerciſed theſe years bygone; and that*
"*in all other things, the Maſters of the ſai*
"*New College obſerve the laws of the firſt foun*
"*dation, in as far as theſe laws may ſtand wit*
"*the true religion.*"

In 1642, the viſitors of the Univerſity of S
Andrew's, at the *ſederunt*, Auguſt 9. ordain
"*That, ſince it is moſt neceſſary that Miniſter*
"*be reſident upon their charge, and Profeſſor*
"*live within their Colleges, attending the pro*
"*feſſions; how ſoon there may be a competency o*
"*means for the neceſſary maintenance of th*
"*Profeſſors in the Old College, that the ſecon*
"*and third Maſters there, be no more actual Mi*
"*niſters, but that the Kirks where they ſerve hav*
"*their own reſident Miniſters, and the Profeſſor*
"*wait upon the College.*"

In the year 1718, this College was viſited b
a commiſſion nominated by his Majeſty King
George

George I. A committee was appointed by the Commiſſioners, to meet on the 13th of Auguſt the ſame year, to examine into the affairs of the New College. They met accordingly; and to this meeting the Maſters gave in a ſtate of the College; in which ſtate the Maſters ſay, the Principal and Profeſſor, that is, the ſecond Maſter, have diet at the College table, and each a lodging, garden, and ſhare of the fruit of the orchard; and, a little after, "*The Profeſſors of* "*Eccleſiaſtic Hiſtory, and of Hebrew, lodge with-* "*in the College.*" Why particularly mention this, if not to ſhew that they complied with their foundation?

Theſe are extracts from correct copies of the original papers in the Univerſity of St Andrew's, which I challenge the Profeſſors of St Mary's College to produce. I poſſeſs them as the ſon of a man who was forty years a Profeſſor in that College, and who left me no patrimony but the honour reflected on his family, by his public ſpirit, and his honeſt character. Theſe papers prove to a demonſtration, that the Profeſſors in that College are, by the foundation,

bound to conſtant reſidence; that this foundation, as far as is conſiſtent with the Proteſtant Religion, which reſidence certainly is, is confirmed by an act of Parliament in 1621, and that, by an act of viſitation in 1642, Profeſſors are, *totidem verbis*, prohibited from ſerving cures without the bounds of their academical reſidence.

Nay, Sir, it is of ſingular importance to obſerve, that, in a law-ſuit inſtituted about the year 1775, concerning rooms in the College, which had been poſſeſſed by the Profeſſors of Eccleſiaſtical Hiſtory and of Hebrew, and of which the Principal and Profeſſor of Divinity attempted to deprive them, the right of the former to theſe apartments was grounded on this obligation to reſidence, according to the conſtitution of the College. The buildings did not admit of their having houſes within the College, as the Principal then had, and ſtill has, in conſequence of this foundation. They, as well as the ſecond Profeſſor, got, from the public funds, an allowance of houſe-rent. But, in order that the foundation might be complied with, as much

much as circumſtances would permit, they and their predeceſſors had always had apartments within the College walls, in order that they might more eaſily converſe with the Students, and diſcharge their other duties. On this ground, the Court of Seſſion gave a decree in favour of the Profeſſors of Church Hiſtory and Hebrew, and awarded them the poſſeſſion of their rooms, together with the expences of proceſs. I have peruſed all theſe papers with the greateſt attention, and can vouch for the accuracy of the ſtatement. Obſerve, now, the Court of Seſſion, in 1776, ſanctioning the obligation to reſidence according to the foundation. At this very moment, this foundation of the College, which binds to reſidence, is ſo far acknowledged by the Profeſſors, that it is on this account and no other, that, becauſe the College buildings cannot ſupply them all with houſes, they receive annually, from the funds of the College, a certain handſome ſum for houſe-rent, and for board. Can they touch this money, and break the conditions on which they claim it? I am perfectly well acquainted with their conſtitu-

tion

tion and laws; and, Sir, let me ſay, and ſay it boldly, They are as much bound to reſidence as a Clergyman is to exerciſe his miniſtry. Nothing can be more poſitive than this obligation; and Dr Arnot became bound at his admiſſion to obſerve it.

But, we are told theſe are old charters, although ſome of theſe deeds are of a date not quite ſo old as *Magna Charta*. By what tenure do gentlemen hold their eſtates? By what right do Univerſities claim their privileges, and all their members poſſeſs their offices? On what foundation do we ſit, and deliberate, and vote, in this Houſe? Are not old charters the titles by which all theſe poſſeſſions, and rights, and privileges, are claimed, and held, and enjoyed? What acquired ſuch diſtinguiſhed reputation, and ſuch deſerved popularity, to the greateſt and wiſeſt Miniſter that ever directed the councils of this, or of any other nation? what, but his defence of the chartered rights of the Eaſt India Company? What is the ground-work and ſafeguard of the Britiſh Conſtitution, and of Britiſh liberty, but *Magna Charta*, a very old charter indeed?

deed? Againſt what do the enemies of Morality, of Religion, of Social Order, and of Eſtabliſhed Government, direct their principal attacks? Is it not againſt thoſe ancient conſtitutions and charters, which we have received from our anceſtors, and which form the principal pillars on which our civil and religious edifice is erected? Theſe, Sir, we muſt defend and ſupport, if we mean to reſiſt with ſucceſs the aſſaults of irreligion, of atheiſtical philoſophy, and of democratical extravagance. Let no contempt, therefore, be thrown upon old charters.

It is contended, that the Eccleſiaſtical Judicatories are not concerned with Academical duties.—But, nothing can be more falſe or groundleſs than this notion. By a conſtant ſeries of Acts of Aſſembly, of which I hold ſufficient extracts in my hand, from the year 1638 down to the year 1719; from the inſtructions given every year to the Commiſſion, to obſerve the 14th Act of the General Aſſembly 1711; and from the Report concerning Schools and Teachers made to the laſt Aſſembly: From theſe, I ſay, Sir, it is clear, beyond all poſſibility of doubt,

doubt, that the Church is intimately concerned in the flouriſhing or declining ſtate of Univerſities within the realm, as well as of every other ſchool and ſeminary whatever, and that not only with regard to morality and doctrine, but alſo with regard to every part of profeſſional duty.

By act 1638, December 17, 18., we find the Aſſembly appointing a viſitation of Colleges. By act 1641, we find them permitting Dr Howie, Principal of St Mary's College, St Andrew's, to hold his ſalary during life, after he was diſqualified, by age and infirmity, from doing the duties of his office. In 1641, we find them recommending to Parliament, to provide means for eſtabliſhing profeſſorſhips, burſaries, and libraries, and upholding the fabrics: and all this, on the ground that Religion was as much concerned, as the State, in the flouriſhing of learning. By act 1645, we find them preſcribing the courſe of ſtudy which ought to be purſued. By act 1645, we find them enacting rules of diſcipline for the Univerſities. By act 1705, April 5., we find them recommending to Univerſities to pay particular

ticular attention to the proficiency of their Students, before conferring degrees: and to Profeſſors of Theology eſpecially, to take very particular notice of the piety and Chriſtian carriage of their Students; and that their teſtimonials to Preſbyteries, for entering men on trials for the Miniſtry, bear their knowledge of the perſons recommended, as to their morals and private carriage, as to their progreſs in their ſtudies, and of their good affection to the Government of Church and State; and that the Profeſſor does truly judge the perſon fit for the ſervice of the Church: and Preſbyteries are enjoined to receive none upon teſtimonials, but who are thus atteſted. By act 1707, April 12., we find them recommending it to the ſeveral Univerſities to tranſmit, by their Commiſſioners to the Aſſembly, overtures for the eſtabliſhment and advancement of piety, learning, and good order, in the Schools and Univerſities. By that of April 12., ſame year, we find them empowering their commiſſion to give all due aſſiſtance to the Univerſities and Colleges, when any Miniſter is called to any office therein, and to receive appeals and

references,

references, and finally to determine them. By the act of 1711, May 23., we find them recommending to Presbyteries to observe the morals and conversation, both of Masters and Students, and, in case of meeting with difficulties, to lay them before the Synod, the General Assembly, or the Commission. We find the Assembly 1717, instructing the Commission to consider the state of Universities and Colleges, and, as they shall see cause, to apply for a visitation thereof. In 1719, we find them again instructing the Commission carefully to advert to every thing, whereby they may contribute to the flourishing of the sciences and good literature; and that they diligently inquire what privileges and interest the Judicatories of the Church, or the Ministers thereof, have, by the constitution of the several Universities, and by the laws of the land, with respect to the settlement of Professors and Ministers in them, and to maintain them inviolably by all just methods; and to improve them, towards promoting the interests of true piety and learning; and that, for this end, they receive and give all due encouragement to whatever

ever applications may be made to them for this effect.

In fact, Sir, the Church and true learning muſt ſtand and fall together.—Ignorance, which is the mother of ſuperſtition, has been one principal ſource of all the corruption of Chriſtianity. So true it is, that this Church has a very particular concern in the right diſcharge of academical duties, and has conſtantly manifeſted that concern by a regular ſeries of enactments.

Whoever denies this, or aſſumes, as a ground of argument, that this Court has nothing to do with academical functions, but in as far as morals and diſcipline are concerned, undermines one of its eſſential intereſts, and, with a view to ſerve a particular cauſe, attempts to wreſt from us what we ought to maintain with firmneſs and deciſion. Nor can I ſee, Sir, how this Houſe can allow Dr Arnot's plea to ſtand on this footing, without violating one of its moſt important duties, and proſtituting its own dignity.

But, if this Houſe has an undoubted intereſt, and is in duty bound to reſpect the conſtitu-

tion of Colleges, and to prevent Profeſſors from tranſgreſſing the limits of their duty, according to theſe conſtitutions, and if, by that of St Mary's College, Dr Arnot is expreſsly obliged to reſide in the Univerſity ſeat; how, Sir, can it conſiſt with any principle of law, of equity, of expediency, or of common ſenſe, to authoriſe him, by our ſentence, to infringe that very conſtitution, which he ſolemnly bound himſelf to obey, and we are as ſolemnly bound to maintain?

But, if this academical law, by which Dr Arnot is bound, were a mere dead letter, deſtitute of all ſpirit and ſalutary application, more latitude in the interpretation of it might be admitted, and more indulgence uſed. This is not, however, the caſe. One principal part of a Profeſſor of Divinity's utility depends on his reſidence among the Students during the whole time of Seſſion. I ſpeak from experience. There is hardly a day that paſſes, during that time, without Students coming to conſult us with regard to the courſe of their ſtudies, and to the books which they ought to

read

read; to receive the ſubjects of their different exerciſes; to take our advice concerning their plan of life, or to have their neceſſary certificates. It is indiſpenſably requiſite, that a Profeſſor of Divinity ſhould be well acquainted with his Students, in order to know their different characters and diſpoſitions; to obſerve the conduct which they maintain, and to be qualified for giving them the certificates which the regulations of the Church require, previouſly to their being taken upon trials. So that the reſidence of the Profeſſor is not merely enjoined as a matter of authority and power, by the conſtitution of the College, but is grounded on evident utility, and on the very nature and end of his office. Can this Houſe, then, ever ſanction, by its deciſion, a violation of laws, in which the good of the Church and the intereſts of religion are ſo nearly concerned? No, Sir. To ſuppoſe this would imply that the Supreme Eccleſiaſtical Court will deliberately counteract the great objects to which all its deliberations and proceedings ſhould be directed.

Let

Let us now put together the whole of this induction. The Church had, by acts of Aſſembly 1563, 1565, 1572, 1595, 1638, ſufficiently ſecured the reſidence of Miniſters among their flocks, by enacting the puniſhment of depoſition againſt the offenders. The acts of Parliament 1584, James VI. Parliament 8., chap. 132, and chap. 133; 1587, James VI. Parliament 11., chap. 32, had alſo ſufficiently guarded this point. The ſtatutes of the Univerſities ſufficiently ſecured the reſidence of the Profeſſors. I put it, now, to the conſcience and reaſon of every thinking man, if there could be any neceſſity for a law which ſhould ſay, *totidem verbis, A Profeſſor ſhall not hold a living incompatible with his reſidence at his College?* The one of theſe repelled and excluded the other. It was a contradiction in terms to ſuppoſe them co-exiſting. Shew me, Sir, an act of Parliament, a law of any kind, which declares, *totidem verbis*, that *twice two do not and ſhall not make ten, or that a ſquare cannot be a circle.* Why do we reject the doctrine of tranſubſtantiation? Is there any precept of the Goſpel which

which declares it is falſe? No; but it is abſurd and pernicious, and therefore we Proteſtants reject it. It is juſt as reaſonable to conclude, that we are not bound to reject ſelf-contradictory propoſitions, till we have an act of Parliament enjoining us to do ſo; as to aſſert that, till we have an expreſs act forbidding this very identical caſe, we are bound to admit Dr Arnot's claim to be ſettled Miniſter of Kingſbarns, and to hold his Profeſſorſhip of Divinity, at the ſame time, the conditions of which offices are incompatible with each other. How comes it to paſs that, before Dr Arnot, no Profeſſor of Divinity has thought of ſuch an inconſiſtent union? Do you ſuppoſe that none before him had any deſire of increaſing their income? This is paying either too high a compliment to his predeceſſors, or fixing too ſevere an imputation upon him. What account then is to be given of this? No other, but that every one of them underſtood that his Profeſſorſhip admitted of no junction of a country living, and, therefore, never attempted it. This heterogeneous production of invention was reſerved for our day.

But,

But, further, although no positive law, or established practice, had authorised our interference in this case, still the Judicatories of the Church, from their very nature and definition, are bound, even in a higher degree, if I may so express myself, than other men, to observe the grand principles of Morality. The laws of Nature and of the Gospel are antecedent and paramount to all constitutions merely ecclesiastical, established by human authority. The civil courts, which proceed upon strict law, always consider the general rules of Morality as binding upon them, even in cases where no positive law exists with respect to the particular point before them. This, if it were necessary, I could fully establish by innumerable quotations from all the writers upon moral and political philosophy, and even by the greatest legal authorities. "*This law* "*of nature, or, which is the same, of morality,*" says Blackstone, "*being coeval with mankind, and* "*dictated by God himself, is, of course, superior in* "*obligation to every other. It is binding over all* "*the globe, in all countries, and at all times. No* "*human*

* Vol. i. p. 41.—8vo.

" *human laws are of any validity, if contrary to* " *this; and ſuch of them as are valid, derive all* " *their force, and all their authority, mediately or* " *immediately, from this original.*" Long before Blackſtone's day, the great Roman Orator and Philoſopher had expreſſed himſelf in the following words: " *Eſt hæc non ſcripta ſed nata lex,* " *quam non didicimus, accepimus, legimus, verùm* " *ex natura ipſa arripuimus, hauſimus, expreſſi-* " *mus; ad quam non docti ſed facti, non inſtituti ſed* " *imbuti ſumus.*" No, Sir, there is no neceſſity for a poſitive law to prohibit that which is immoral in itſelf, or to authoriſe any court to condemn it when committed. What then is immoral, if this epithet is not applicable to a man's becoming bound to obſerve ſuch and ſuch conditions, in the exerciſe of any office conferred on him; and, yet, by accepting of another incompatible with theſe conditions, ſetting them at once aſide, and rendering them completely nugatory? Dr Arnot became bound, by the conſtitution of St Mary's, to reſide at St Andrew's, and he propoſes to reſide at the diſtance of many miles from it. He became bound to diſ-

charge

charge all the duties of a Profeſſor of Divinity, and he propoſes to take another charge, which, by removing his reſidence from St Andrew's, incapacitates him from his profeſſional functions, as their nature and extent required. Can this Houſe, Sir, ſanction an intention, a ſcheme ſo wrong in itſelf and ſo repugnant to public utility? I mean no perſonal diſreſpect in uſing theſe epithets; but, in illuſtrating an argument, it becomes neceſſary to call things by their proper names. I maintain not that the reverend gentleman, whoſe cauſe is now before us, conſidered the caſe in this light. He has, perhaps, been able to reconcile his intended plan with his duty; and I am willing to believe, that, without this view of the caſe, he would never have adopted it. But, he is evidently in an error; and, when this is clearly pointed out to him, he ought to open his eyes and relinquiſh his project.

I ſhall ſuppoſe, that Dr Arnot was confined to his bed-chamber by a diſtemper which the phyſicians pronounced to be incurable. Let us ſuppoſe, that he had completely loſt the uſe of his

his limbs, and of his voice.—I pray God Almighty to preſerve him from this, and from every other calamity, and to grant him the long enjoyment of health, and of every other comfort!—But, ſuppoſe this caſe to have happened, would it be right in the Judicatories of the Church to ordain his ſettlement at Kingſbarns, when every proſpect of his utility was for ever gone? No; but as this is a phyſical impoſſibility, ſo, in Dr Arnot's caſe, there exiſts a moral impoſſibility of his ſettlement at Kingſbarns, becauſe he is bound, by a ſolemn engagement, to reſide at St Andrews, which, till he is looſed from it by reſigning his Profeſſorſhip, totally diſqualifies and prevents him from reſiding at Kingſbarns, as the laws both of the Church and the State require. What is a preſentation, Sir, but an appointment to a living, by a legal patron, to a qualified perſon. A qualified perſon is not he only, who is a Probationer, or an ordained Miniſter; but, one who, by his ſituation, can receive ſuch a preſentation. An undoubted patron cannot preſent the ſame perſon to two livings; becauſe, if he keeps the one, he

is diſqualified for the other. Dr Arnot's caſe is perfectly ſimilar. He already holds one office, which, while he retains it, diſqualifies him for the office to which he is preſented.

Having now ſtated the ſtrictly legal and moral view of the queſtion, and ſhewn that this particular deſcription of united offices is contrary to the conſtitution and laws of our Church; that it is equally repugnant to the conſtitution and laws of St Mary's College, by which Dr Arnot is bound; that the General Aſſembly has a right, and is in duty obliged, to reſpect theſe; and that the ſcheme is of an immoral nature, which this Court never can ſanction;—I ſhall next, in a few words, point out all the pernicious effects with which this ſcheme is likely to be attended.

This caſe, Sir, is not inſulated, and unconnected with others. The door being opened, others of a ſimilar complexion will ruſh in upon you from all quarters. I think I can ſafely aſſert, that this is but the making of the road,—but the preparation of thoſe that are to follow,—but the prelude to the grand exhibition which is in conſiderable

conſiderable forwardneſs, and will be produced, to the aſtoniſhment, if not to the entertainment, and inſtruction of the public. Not a few look to the iſſue of this cauſe as the criterion of their expectations. They have their eyes turned to approaching vacancies of Churches or of Profeſſorſhips; and, having already one foot fixed on their Profeſſorſhip, or in their living, they pant to make the long ſtride to the country, or to the univerſity, as circumſtances may turn out, and to erect themſelves into a Coloſſus, compoſed, like the image in Nebuchadnezzar's dream, of materials which do not eaſily enter into one compoſition. *Non bene conveniunt, nec in una ſede morantur.* One half a Country Clergyman, the other a Profeſſor in an Univerſity, incapable of the functions of either, and marring and diſappointing the duties of both. With one eye, you behold this image looking to the Students, with the other, to the Pariſhioners, yet rightly perceiving neither; leaning one arm on the top of the College, and the other on the belfry of the Church;—exhibiting an aſpect of anxiety and uneaſineſs and hurry, occaſioned

ed by the incompatibility of duty; and, at laſt, ſeeming to ſink into complete indifference and apathy, from the experience of undertaking what could not be performed. Such an image bears ſome reſemblance to LUCRETIUS's ſublime deſcription of ſuperſtition:

" *Quæ caput à cœli regionibus oſtendebat,*
" *Horribili aſpectu, ſemper mortalibus inſtans.*"

There will not be a ſingle living in the gift of an Univerſity, which will not be deſtined for a Profeſſor. Thoſe, who never turned their thoughts to theological ſtudies, will begin to paſs through a ſham courſe, in order to be ready for the firſt vacancy that falls. This is no imaginary caſe. I know the plan is already acted upon, ſince this affair was in agitation, and ſince, from the ſupport which it has received, there was great proſpect of its ſucceſs. Thus, while the encouragement of preachers regularly educated is diminiſhed, a ſet of men, who never dreamed of miniſtry before, will be put in poſſeſſion of the beſt livings of the Church, and the true recruits of the Church will be held out

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of its ranks, to make place for thoſe who have never been regularly trained for it, and who conſider it only as furniſhing an addition of income. Nor will this happen only in caſes where Colleges poſſeſs patronage, but will extend to others. The encouragement to Probationers, and to country Clergymen, is already too ſmall, and is not ſo much, that it ſhould be trenched upon by thoſe who have already the beſt livings which the Church and Literature combined have to offer. Town livings have long been held by Profeſſors who faithfully diſcharge their duties; and to this no objection is made. They reſide in their pariſh, and in the Univerſity ſeat. But this innovation has a very different aſpect. Profeſſors, from their connexion with the parents of thoſe who are committed to their care, poſſeſs conſiderable intereſt. They will not fail to apply it, to ſecure every church that falls, till they are all provided for. Thus, our former wiſe ſyſtem, which left the country livings either to probationers, or to thoſe ſettled clergymen whoſe merit entitled them to a more eligible ſituation, or whoſe in-

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tereſt enabled them to obtain it, will be overthrown. The ſyſtem will be reverſed. Inſtead of removing clergymen from the country into the Towns and Univerſities, men in clerical orders will ſally from the Univerſities, and occupy, in conjunction with their offices, every living where they can ſet their foot, or ſit down with comfort. A country ſettlement will be a country-ſeat during ſummer. The pariſh will be deſerted, while the town-reſidence is reſorted to for the winter. Or, if the reſidence is conſtant in the country, the Univerſities will be evacuated.

At St Andrew's, where ſuch proceedings have no great tendency to advance the proſperity of my *alma Mater*, for whom my heart warms; we may ſoon find a few ſtraggling ſtudents;—we may ſee the College-walls gradually verging to ruin;—we may diſcover libraries which are never frequented;—we may behold the name, the appearance, and the antiquity of an Univerſity:—we may obſerve houſes in which Profeſſors were appointed to reſide, and for which they receive rent; but, if we call, we ſhall hear that

no Profeſſors are there; but that they are all *ruſticated*,—not as a puniſhment, according to the Engliſh academical acceptation of the word, but for their emolument and pleaſure.—I hope theſe effects will never take place. But, I am ſure ſuch meaſures have a tendency to produce them.—Theſe ruſticated Profeſſors will exclaim with CICERO: "Hæc ſtudia adoleſcentiam alunt; "ſenectutem oblectant; ſecundas res ernant; "adverſis, perfugium et ſolatium præbent; de-"lectant domi; non impediunt foris; per-"noctant nobiſcum; peregrinantur; *ruſtican-*"*tur.*" Theſe words they will thus tranſlate: —Hæc ſtudia adoleſcentiam alunt: *Theſe ſtudies of ours, which we have ſo ſucceſsfully directed to our own profit, afford a very genteel maintenance for our families.*—Senectutem oblectant: *They give us an eaſy and pleaſant old age.*—Secundas res ornant: *If we are in good circumſtances, they enſure us a handſome addition.*—Adverſis, perfugium et ſolatium præbent: *If we are poor, they ſoon make us rich.*—Delectant domi: *They provide us with elegant houſes.*—Non impediunt foris: *They enable us to go abroad with eclat, and*

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to travel with comfort.—Pernoctant nobiſcum: *They procure us ſoft repoſe on beds of down.*—Peregrinantur: *They may even furniſh us a trip to the Continent.*—Ruſticantur: *They, at any rate, give us very agreeable country-ſeats.*

While this will be a favourite paſſage with thoſe who have already tacked a Country-living to a Profeſſorſhip, thoſe who are ſtill confined to the Profeſſorſhip, will be exclaiming night and day,——

O rus! quando te aſpiciam, quandoque licebit
Non veterum libris, ſed ſomno et inertibus horis,
Ducere ſolicitæ jucunda oblivia vitæ!

when delivered from their academical functions, or rather incapacitated, by their amphibious ſituation, from diſcharging either theſe, or thoſe of a country pariſh.

Further, Sir, abuſes gradually produce others; and when they are allowed to ſtrike deep root, and to grow, they branch out in various directions, till they cover the ground with their ſhade, and afford ſhelter to every bird of prey under heaven. Mens' minds being gradually reconciled to the abuſes now under our conſider-

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ation, the laws of the Church, prohibiting the plurality of livings with *cure of ſouls*, may be allowed to ſleep on our records; and, firſt, two pariſhes, and then more, may be put under one man's charge. Hence, the plan of keeping Curates to do the duty, and to receive, as their reward, ſome ſmall part of the ſtipend, will naturally enſue. By degrees, our conſtitution may be overturned, and a ſort of *hierarchy* reſtored, of which the origin muſt be referred to St Andrew's, which was, in former times, the grand ſeat of *hierarchical* power in this country. Even the Church of Rome, corrupt as ſhe now is, was brought into that ſtate by imperceptible gradations, and by the grafting of one perverſion and abuſe upon another.

Under this head, Sir, I wiſh it to be particularly attended to, that, by throwing country livings into the hands of Profeſſors, a very conſiderable alteration will take place in the Judicatories of the Church. Take the Preſbytery of St Andrew's for an example. This is compoſed, at preſent, of twenty-three Clergymen, including the Principal of St Mary's College, and

the Profeſſors of Divinity and Eccleſiaſtical Hiſtory. There are thirteen Members of the Univerſity, one of whom, namely, the Principal of the United College, is, *ex officio*, a parochial Miniſter. Now, ſuppoſe that a church-living were to be given to each of theſe Profeſſors, together with his Profeſſorſhip, you have, at once, the majority of the Preſbytery in the hands of the Univerſity. Extend this to all the other Univerſities of Scotland, and obſerve the effect. I ſay not, Sir, that all this will be deliberately intended by thoſe who wiſh to hold Profeſſorſhips together with country livings. I know there exiſt two caſes in which this union has already taken place. But I maintain, that theſe caſes are totally diſſimilar to the preſent; that the Profeſſorſhips are not, as in the preſent inſtance, eſſential branches of academical education for the Miniſtry, or ſubject to the laws of foundation; and that, after all, one irregularity is not a defence or excuſe of another. Such things are not to be drawn into precedents; and their being adduced as ſuch, ſhould, with us, be a ſtrong motive for preventing another example

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from being added to the number, and ſtrengthening and accelerating thereby the progreſs of what is originally wrong. It is an old proverb, *That every thing unchallenged is good:* But, although a man may quietly paſs by an injury for which the law would give redreſs, it would be a ſtrange argument, indeed, to aſſert, that when a ſimilar offence was brought before a court of juſtice, that court ſhould ſanction injury, becauſe, in other caſes, redreſs had not been applied for. In like manner, if this caſe is, as it appears to be in every point of view, contrary to every principle of right and duty, no preceding inſtances, however ſimilar, can be pleaded in bar of juſtice being done, becauſe it had not been done before. It becomes the more neceſſary to do it now, leſt this inſtance ſhould conſtitute a pernicious precedent. Let it not be ſaid, " Allow this to paſs, and make a law pro-
" hibiting ſimilar abuſes in future." This very propoſal is an acknowledgment that the thing is wrong; and why muſt a diſpenſation be granted in this preſent caſe? The object preſented is already contrary to the laws of St Mary's Col-

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lege; contrary to the laws and practice of the Church; contrary to public utility; contrary to good morals. Why, then, muſt a diſpenſation be granted? Has Dr Arnot a numerous family? No. Is he in low circumſtances? No. He is a very agreeable and pleaſant man, has engaging manners, and is very hoſpitable.—I have experienced his hoſpitality, and received pleaſure from his converſation. I ſhould be happy in any opportunity of doing him a ſervice, in any way conſiſtent with my duty. On theſe accounts, I think it fortunate, that if this caſe ſhall, —as I truſt to the juſtice and piety of this Houſe it will,—be decided againſt Dr Arnot's pretenſions, he will be able to bear his diſappointment without much inconvenience. Very different would it have been, if a poor family had loſt its ſubſiſtence by ſuch a deciſion. And yet, how frequently does the imperious call of juſtice impoſe on us this ſevere obligation! If falſe motives of delicacy; if deference to a particular intereſt, or any other ſuch conſideration, as I perſuade myſelf this Houſe will never admit; ſhould have any effect in confirming the ſentence of the

Preſbytery

Preſbytery of St Andrew's, and of the Synod of Fife, on what ground have we to expect that a new law, condemning this very confirmation, will be obtained? No reaſons can be ſtronger, in every point of view, than thoſe which already exiſt. The inducements to oppoſe ſuch a law will increaſe with the proſpects of obtaining ſimilar advantages to friends or connections, and the remedy will become, every day, of more difficult application, as the diſeaſe gathers ſtrength, and redoubles its paroxyſms. When an Overture was ſent to the Aſſembly, by the Synod of Perth and Stirling, with a view to prevent this very caſe, the Aſſembly rejected it as unneceſſary, on account of the *exiſting laws*. At preſent, when this caſe has actually happened, it is required to produce *a prohibitory law*, which the Aſſembly had before acknowledged *to exiſt*,—which I have fully proved *does exiſt*, but the *exiſtence* of which is now denied. Never delay a moment to do what is right; and let us apply to ourſelves what we ſo frequently preſs upon the people, from our pulpits, that to delay the great work of righteouſneſs is a ſtrong

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proof of want of religious principle, and is dangerous to our ſalvation. We never can know if the time to which we procraſtinate ſhall be put in our power.

Reflect, Sir, in the laſt place, at what particular period of time it is that this *great innovation* in our Eccleſiaſtical Syſtem is projected. It is at a time when a pernicious ſpirit of hoſtility to eſtabliſhments, and to ancient rules and practices, has been, and is ſtill, prevalent in the world. It is when many are diſpoſed to think, that all that was done and planned by our anceſtors is fooliſh, and inſignificant, and ought to give place to the wild and unprincipled reveries of atheiſtical philoſophy. It is when the Demon of Jacobiniſm has carried his ravages over a great part of the globe, and levelled with the ground every temple, and every palace, that ſtood in his way. It is when the head, the heart and the hand of every good and wiſe man muſt be united to oppoſe, and finally overcome, this deſtructive ſpirit wherever it appears. Jacobiniſm is of all ſpirits the moſt odious.—And what is Jacobiniſm? It is a diſre-

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gard of the laws of God and man: It is the unceaſing purſuit of the objects of intereſt and ambition; It is a violation of every eſtabliſhment or law which ſtands oppoſed to its views: It is the moſt hypocritical aſſumption of the moſt ſpecious appearances: It is, in fine, the deliberate imputation of ſiniſter views, and wicked intentions, to thoſe whom it perſecutes.—This is Jacobiniſm; which the French ſchool has ſent out into the world, but which had long lurked in the dark receſſes of the human heart.

Is this a time, Sir, for *innovations*, even although they were of a leſs pernicious tendency than the preſent? Is it for the Church of Scotland, which has, in the preſent perilous period, as in ſo many preceding ones, diſplayed ſuch firm and manly attachment to our Civil and Religious Conſtitution, to ſanction ſo ſtriking an abuſe, ſo pernicious a perverſion of all her eſtabliſhed practices, ſo glaring a contradiction to her ſpirit and views? Is it for us to give any handle to the malevolent and diſaffected, maliciouſly to maintain, that we are actuated, in our deciſions, by particular attachments, or

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by party-views? We have iſſued Paſtoral Exhortations and Admonitions, which were read from our pulpits, and did honour to our regard for the intereſts of Religion, in oppoſition to impiety on the one hand, and to fanaticiſm on the other. We exhorted the people to adhere to the religious eſtabliſhments which their anceſtors had made ſuch glorious efforts to obtain, and which provided ſo amply and wiſely for all their ſpiritual concerns. Shall we, then, ſet them the example of violating the fundamental principles of that eſtabliſhment, and of removing all the barriers againſt corruption, neglect of paſtoral duty, or decline of good learning, which it has erected? We have been wiſely careful to revive and invigorate the laws by which the inſpection and ſuperintendence of all ſchools are committed to the Eccleſiaſtical Judicatories. And can we allow the Schools of Divinity, the ſources from which the inſtructors of the people are to derive their knowledge, to be deprived of the full attendance and aſſiduity of their eſtabliſhed teachers? While we properly oppoſe vagrant teachers, let

us

as be equally zealous to prevent our regular inſtructors from ſtraying from their duties. We have conſtitutionally exerted ourſelves to diſcourage and obſtruct the doctrine of the legality and expediency of lay-preaching. And can we deliberately conſent to abridge the means by which a regularly-educated Clergy is to be formed? No, Sir, this cannot take place. The eyes of all Scotland are fixed upon us this day. Let us not diſappoint the expectation entertained from our conſiſtency, our zeal for the intereſts of religion, and good learning, and our fidelity to the great truſt which is committed to us. Shall any inferior conſiderations outweigh ſuch momentous motives, ſuch extenſive concerns! When I take this comprehenſive view of the ſubject, I cannot but be ſtruck with aſtoniſhment, that a Profeſſor of Divinity ſhould have entertained ſuch views; and that the Head of the only College, ſet apart for the ſtudy of Theology, in this Kingdom, ſhould have ſo far been miſled, by erroneous conceptions, as to ſupport a plan, which, in my humble opinion, he was bound, by his office, to oppoſe

to the utmoſt of his power. But, different men take different views of the ſame ſubject; and I am willing to impute, to my brethren, both as Clergymen, and as Members of an Univerſity, good intentions, and becoming motives. But, whatever theirs may be, it is our duty to follow the dictates of ſound judgment, and to watch for the intereſts of the Houſe of God committed to our charge, uninfluenced by reſpect of perſons, and unbiaſſed by any partial conſiderations whatever. Our commiſſions to this Aſſembly preſcribe to us this ſacred duty. We have ſpent one day in prayer, invoking the illuminations of the Divine Spirit to direct our deliberations, and to ſanctify our hearts. The Divine *Maſter of Aſſemblies, the Head of his Church and the great Shepherd of the ſheep*, views us from his ſeat at the right hand of his heavenly Father, and marks, in his book of judgment, every leaning of our hearts, every motive of our conduct, and will call us to give an account of the ſentence we now paſs! Under the awful, the ſolemn influence of theſe impreſſions, I lay my hand on my heart, and

ſay,

ſay, The ſentence of the Synod of Fife ought to be reverſed, and the paſtoral charge of Kingſbarns declared incompatible with the Profeſſorſhip of Divinity in St Mary's College, in the Univerſity of St Andrews.

Printed by ADAM NEILL & Co.
Fiſh-Market Cloſe, Edinburgh.